
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 160

The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

PART 1

GENERAL

Fit and proper person

4.—(1) This regulation applies for the purpose of the discharge of any function under these Regulations which requires the chief inspector to determine whether a person is or is not a fit and proper person to carry out a specified waste management activity.

(2) Whether a person is or is not a fit and proper person to carry out a specified waste management activity shall be determined by reference to the fulfilment of the conditions of the permit which apply or will apply to the carrying out of that activity.

(3) Subject to paragraph (4), a person shall be treated as not being a fit and proper person if it appears to the chief inspector that—

- (a) that person or another relevant person has been convicted of a relevant offence;
- (b) that person has not made, or will not before commencement of the specified waste management activity make, adequate financial provision (either by way of financial security or its equivalent) to ensure that—
 - (i) the obligations (including after-care provisions) arising from the permit in relation to that activity are discharged; and
 - (ii) any closure procedures required by the permit in relation to that activity are followed;
- (c) that person and all staff engaged in carrying out that activity will not be provided with adequate professional technical development and training; or
- (d) the management of that activity will not be in the hands of a technically competent person.

(4) The chief inspector may, if he considers it proper to do so in any particular case, treat a person as a fit and proper person notwithstanding that paragraph (3)(a) applies in that person's case.

(5) For the purposes of this regulation—

- (a) “relevant offence” means an offence prescribed for the purpose of Article 3(3)(a) of the Waste and Contaminated Land (Northern Ireland) Order 1997⁽¹⁾; and
- (b) the qualifications and experience required of a person for the purposes of Article 3(3)(b) of the Waste and Contaminated Land (Northern Ireland) Order 1997 which are prescribed under Article 3(5) of that Order shall be treated as the qualifications and experience required of a person for the purposes of paragraph (3)(d).

(6) In paragraph 3(a), “another relevant person” means, in relation to the holder or proposed holder of a permit—

- (a) any person who has been convicted of a relevant offence committed—
 - (i) by him in the course of his employment by the holder or proposed holder of the permit; or
 - (ii) in the course of the carrying on of any business by a partnership one of the members of which was the holder or proposed holder of the permit;
- (b) a body corporate which has been convicted of a relevant offence committed when the holder or proposed holder of the permit was a director, manager, secretary or other similar officer of that body corporate; or
- (c) where the holder or proposed holder of the permit is a body corporate, a person who is a director, manager, secretary or other similar officer of that body corporate and who—
 - (i) has been convicted of a relevant offence; or
 - (ii) was a director, manager, secretary or other similar officer of another body corporate at a time when a relevant offence of which that other body corporate has been convicted, was committed.